

Joint Committee on Ways and Means

Carrier – House: Rep. Boone  
Carrier – Senate: Sen. Johnson

Revenue: No revenue impact

Fiscal: Fiscal statement issued

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Action: Do Pass the A-Engrossed Measure

Vote: 21 – 0 – 0

House – Yeas: D. Edwards, Galizio, Garrard, Hanna, Jenson, Morgan, Nathanson, Nolan, Shields  
– Nays:  
– Exc:

Senate – Yeas: Bates, Carter, Devlin, Gordly, Johnson, Morse, Nelson, Schrader, Verger, Westlund, Whitsett, Winters  
– Nays:  
– Exc:

Prepared By: John Britton, Legislative Fiscal Office

Meeting Date: 6/15/07

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**WHAT THE MEASURE DOES:** Requires in-home care agency to maintain administrative and professional oversight of its in-home care workers. The measure eliminates DHS authority to establish fees for in-home care agency licensing program in rule, but instead establishes fees in statute. It requires Department of Human Services (DHS) to inspect in-home care agency prior to services being rendered to the public. The measure establishes violation of in-home care agency licensing requirements and authorizes DHS to commence action to enjoin violation of requirements and recover attorney fees. Failure to comply with licensing requirements include (but is not limited to) failure on the part of the in-home care agency to provide a written disclosure statement to the client or client's representative prior to in-home care services being rendered; failure to provide the contracted in-home care services; or, failure to correct deficiencies identified during a department inspection.

**ISSUES DISCUSSED:**

- The industry of in-home health care agencies – growing as the elderly population grows
- The need for greater regulation of this industry
- Most agencies are doing a good job – several, however, are not performing as well as they could
- Agencies have, on occasion, sent staff without appropriate skills to serve persons in need with poor results
- The need for regulatory clarity concerning the specific services the in-home care agencies provide

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** The health Care Licensure and Certification (HCLC) program of the Department of Human Services ensures that Oregonians have access to high quality and safe health care. To fulfill this mission, DHS licenses and certifies (through Medicare regulation) health facilities, providers, and suppliers. The HCLC regulates over 400 health care facilities, providers and suppliers in acute care and community-based care programs. These include hospitals, home health agencies, ambulatory surgical centers, rural health clinics, special inpatient care facilities, end-stage renal disease dialysis facilities, birthing centers, hospices, rehabilitation agencies and clinics, comprehensive outpatient rehabilitation facilities, community mental health centers, hemodialysis technicians, and portable X-ray suppliers.